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JOSEPH McELROY

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	NO. CR S-05-167-DFL
	)	
Plaintiff,	)	
	)	STIPULATION CONTINUING STATUS
v.	)	CONFERENCE AND EXCLUDING TIME;
	)	PROPOSED ORDER
JOSEPH McELROY,	)	
	)	
Defendant.	)	Judge: Hon. David F. Levi
	)	
_____	)	

A status conference is currently scheduled in this case for Thursday, November 10, 2005. Plaintiff United States of America and Defendant JOSEPH McELROY, through their respective attorneys, hereby stipulate and agree to continue the status conference until Thursday, December 1, 2005. Mr. McElroy's counsel has reviewed the discovery in the possession of the FBI and arrangements have been made for the copying and release of data on Mr. McElroy's computer hard drive. That copying has not yet been completed. After receipt of this information, the defense will need additional time to investigate information that it anticipates is contained therein.

In light of this, the parties further stipulate and agree that the

1 time period from today, November 7, 2005, to December 1, 2005, be  
2 excluded under the Speedy Trial Act, 18 U.S.C. §3161(h)(8)(B)(iv) and  
3 Local Code T4, because the failure to grant such a continuance would  
4 deny counsel for the defendants the reasonable time necessary for  
5 effective preparation, taking into account the exercise of due  
6 diligence.

7 Dated: November 7, 2005

Respectfully submitted,

8 McGREGOR W. SCOTT  
9 United States Attorney

QUIN DENVIR  
Federal Defender

10 /s/ Kenneth J. Melikian  
11 KENNETH J. MELIKIAN  
12 Assistant U.S. Attorney

/s/ Daniel J. Broderick  
DANIEL J. BRODERICK  
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13 Attorneys for Plaintiff  
UNITED STATES OF AMERICA

Attorneys for Defendant  
JOSEPH McELROY

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, ) NO. CR S-05-167-DFL  
Plaintiff, )  
v. ) ORDER CONTINUING STATUS  
JOSEPH McELROY, ) CONFERENCE  
Defendant. ) Judge: Hon. David F. Levi

Pursuant to the stipulation of the parties, filed on November 7, 2005, IT IS HEREBY ORDERED that the status conference in this case currently scheduled for November 10, 2005, shall be continued to December 1, 2005, at 10:00 a.m. IT IS FURTHER ORDERED that, for the reasons stated in the stipulation, the time period from November 7, 2005, to December 1, 2005, be excluded under the Speedy Trial Act, 18 U.S.C. §3161(h) (8) (B) (iv) and Local Code T4, because the failure to grant such a continuance would deny counsel for the defendants the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

Dated: November 8, 2005

  
DAVID F. LEVI  
United States District Judge